

Italy, but was a domestic product, to wit, a product produced in the United States of America, and each of said cans did not contain  $\frac{1}{4}$  gallon net of the article, but did contain a less amount; for the further reason that the statements on the labels aforesaid purported that said article was a foreign product, when not so; and for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 12, 1919, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$20.

E. D. BALL, *Acting Secretary of Agriculture.*

**7928. Misbranding of olive oil. U. S. \* \* \* v. Grecian Importing & Trading Co., a Corporation. Plea of guilty. Fine, \$200. (F. & D. No. 9908. I. S. No. 12551-r.)**

On July 18, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Grecian Importing & Trading Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on November 14, 1918, from the State of New York into the State of New Hampshire, of a quantity of olive oil which was misbranded. The article was labeled in part, "Imported Pure Olive Oil \* \* \* Olympia Brand \* \* \* Grecian Importing & Trading Co., Inc., Importers and Packers \* \* \* Net Contents One Quart."

Examination of a sample by the Bureau of Chemistry of this department showed an average shortage in the contents of the cans containing the product of 1.3 fluid ounces, or 4 per cent.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Contents One Quart," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the cans contained 1 quart of the article; for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that said cans contained 1 quart of the article, whereas, in truth and in fact, they did not contain 1 quart of the article, but did contain a less amount; and for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 30, 1919, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

E. D. BALL, *Acting Secretary of Agriculture.*

**7929. Adulteration of ground gelatin. U. S. \* \* \* v. Thomas B. Kane (Detroit Gelatine Co.). Plea of guilty. Defendant released upon payment of costs. (F. & D. No. 9509. I. S. Nos. 9002-p, 15827-p, 15828-p, 15829-p.)**

On September 23, 1919, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Thomas B. Kane, trading as the Detroit Gelatine Co., Chicago, Ill., alleging the sale by said defendant, on or about January 18, 1917, and April 24, 1917, under guaranties that the article was not adulterated or misbranded within the meaning of the Food and Drugs Act, of quantities of ground gelatin, which was an adulterated article within the meaning of said act, and which

said article, in the identical condition in which it had been received, was shipped by the purchaser thereof, on January 19 and January 23, 1917, from the State of Illinois into the State of Wisconsin, and on June 23, 1917, from the State of Illinois into the State of Iowa, in further violation of said act.

Analyses of samples of the article from the two invoices sold on January 18, 1917, showed that it consisted essentially of glue containing mercury and excessive copper and zinc. Analysis of samples of the article from the invoice sold on April 24, 1917, showed that it was glue, and contained excessive copper and zinc.

Adulteration of the gelatin sold on January 18, 1917, was alleged in substance in the information for the reason that a certain substance, to wit, glue, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality, and had been substituted in part for gelatin, which the article purported to be, and for the further reason that it contained added poisonous and deleterious substances, to wit, copper, mercury, and zinc, which might render it injurious to health.

Adulteration of the gelatin sold on April 24, 1917, was alleged in substance for the reason that a certain substance, to wit, glue, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality, and had been substituted in part for gelatin, which the article purported to be, and for the further reason that it contained added poisonous and deleterious substances, to wit, copper and zinc, which might render it injurious to health.

On March 23, 1920, the defendant entered a plea of guilty to the information, and was released by the court upon payment of the costs of the proceedings.

E. D. BALL, *Acting Secretary of Agriculture.*

**7930. Misbranding of Bokert Water. U. S. \* \* \* v. Bokert Springs Mineral Water Co., a Corporation. Plea of nolo contendere as to first count. Second count dismissed. Fine, \$50 and costs. (F. & D. No. 9430. I. S. No. 11127-m.)**

On January 14, 1919, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Bokert Springs Mineral Water Co., a corporation, De Soto, Mo., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about April 28, 1917, from the State of Missouri into the State of Illinois, of a quantity of an article, labeled in part "Bokert Water Natural Mineral Spring Water. For table and medicinal use. Bokert Springs Mineral Water Company, De Soto, Mo., U. S. A.," which was misbranded.

Misbranding of the article in the first count was alleged in the information in that the statements, designs, and devices regarding the therapeutic and curative effects of the article, appearing on the labels of the bottles containing the article, to wit, " \* \* \* it possesses great therapeutic value and is a wonderful agent in the Elimination of Urinary Deposits, diseases of the Kidneys, Liver, Stomach, Bladder and the Blood. It is of inestimable assistance in the digestion and assimilation of food and therefore invaluable for its tonic effects," were false and fraudulent in that the statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers of the article and to create in the minds of purchasers of the article the impression and belief that the article was composed of, or contained, ingredients or medicinal agents effective as a remedy, treatment, and cure for the elimination of urinary deposits, diseases of the kidneys, liver, stomach, bladder, and the blood, and was effective